

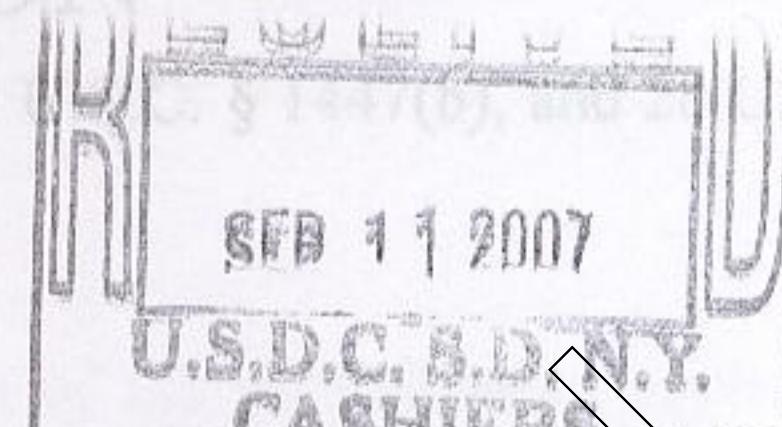
Judge Hellerstein

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BALVIR SINGH GUJJAR

07 CIV 7978



Plaintiff,

-against-

ANDREA QUARANTILLO,

New York District Director of
U.S. Citizenship and Immigration Services

Defendant.

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1. This is a petition for a hearing of Plaintiff's application for naturalization on the ground that Defendant has failed to make a determination under 8 U.S.C. § 1446.

PARTIES

2. Plaintiff, Balvir Singh GUJJAR is a native and citizen of India. He has been a lawful permanent resident of the United States since 01 October 1999. At all times hereinafter-mentioned Plaintiff was and still is a resident of Bronx County. He currently resides at 2262 Waterbury Avenue, #1B, Bronx, NY 10462. His alien registration number is A75 016 421.

3. Defendant Andrea Quarantillo is the New York District Director of the United States Citizenship and Immigration Services ("USCIS") with the supervisory authority over all operations of the USCIS within the New York district, including the authority to grant or deny naturalization applications submitted to the USCIS within the New York district pursuant to 8 U.S.C. § 1421 and 8 U.S.C. § 1427. Defendant is sued in her official capacity.

JURISDICTION

4. Jurisdiction in this case is proper under 8 U.S.C. § 1447(b), and 28 U.S.C. § 2201. Relief is requested pursuant to said statutes.

VENUE

5. Venue is proper in this court pursuant to 8 U.S.C. § 1447(b) in that this is an action against officers and agencies of the United States in their official capacities, brought in the District in which Plaintiff resides.

CAUSE OF ACTION

6. On or about 17 August 2004, Plaintiff filed an Application for naturalization on Form N-400. On 23 August 2005 he was examined on that application.

7. At his examination, Plaintiff passed the English language and U.S. history and government tests. Plaintiff was advised in writing that he passed these tests but a decision could not yet be made about the application. See Exhibit 1 (Copy of "Naturalization Interview Results" notice, issued by USCIS).

8. Over the past 24 months, Plaintiff has made repeated inquiries into the status of his case. On each occasion, Plaintiff has been told the case is pending the results of a mandated agency security check, the purpose of which is to confirm that Plaintiff has no criminal record and presents no security risk.

9. More than 120 days have passed since the initial examination and the Defendant has made no decision on Plaintiff's application.

10. The Defendant's failure to make a determination of Plaintiff's application within the 120 day statutory period allows Plaintiff to bring the matter to this Court for a hearing pursuant to 8 U.S.C. § 1447(b).

11. Plaintiff desires a judicial determination of his naturalization application and a declaration that he is entitled to be naturalized as a citizen of the United States. A period in excess of one year should be more than sufficient time to complete the security check and adjudicate this application.

WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully requests that, upon due consideration, the Court agree to hear Plaintiff's case and render a declaratory judgment that he is entitled to be naturalized, and grant such other relief as justice may require.

Dated: 22 August 2007

Respectfully submitted,

PLUNKETT & DONNARD

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